

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SS&C TECHNOLOGIES HOLDINGS, INC., et al., :
: Plaintiffs, : 22-CV-2009 (TMR) (OTW)
: :
: -against- : **ORDER**
: :
ARCESIUM LLC, :
: Defendant. :
: :
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ONA T. WANG, United States Magistrate Judge:

On December 6, 2023, I stayed discovery in this case, pending a determination whether to permit Defendant Arcesium LLC to move for partial summary judgment regarding trade secret specificity (i.e., whether Plaintiffs have sufficiently articulated the trade secrets alleged in this case). (ECF 234; *see also* ECF 253). Recently, Plaintiffs sought leave to serve a third-party subpoena to depose a former employee of Arcesium. Plaintiffs claim that this witness is a “whistleblower” regarding violations of Defendant’s “clean room” policy, which they allege could lead to an inference that certain of Defendant’s employees could have had simultaneous access to Plaintiffs’ Geneva product and access to Defendant’s products in development. (*See* ECF 255).

This deposition is not proportional to the needs of the case. The witness is a nonparty and became Defendant’s employee after the complaint was filed. While it is true that misappropriation of trade secrets can be a continuing violation, the issue that Defendant proposes for partial summary judgment is the scope of the protectable trade secret, if any. There has been no articulation that the proposed deposition would have any bearing on the

scope of Plaintiff's protectible trade secret, nor has there been a sufficient showing that the deposition must take place now, or even that a deposition is the only way that such information could be "preserved."

Accordingly, I decline to lift the discovery stay at this time. The Clerk of Court is respectfully directed to close ECF 255.

Defendant's sealing motions (ECF 243 and 250) are provisionally **GRANTED** pending determination of the partial summary judgment motion. The Clerk of Court is further directed to close ECF Nos. 243 and 250.

SO ORDERED.

Dated: June 21, 2024
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge